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Letter dated 21 January 2016 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you a letter dated 21 January 2016 from the Special Representative of the National Coalition of Syrian Revolutionary and Opposition Forces (see annex).

I should be most grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) François **Delattre**

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Annex to the letter dated 21 January 2016 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

[Original: English]

On behalf of the National Coalition of Syrian Revolutionary and Opposition Forces, it is with great concern that I draw your attention to the urgent need for civilian protection in Syria, in advance of the first round of Syrian "Geneva III" peace talks currently scheduled for 25 January 2016, and following the Security Council's open debate on the protection of civilians on 19 January 2016.

On 31 October 2015, the Secretary-General issued a statement urging "all States to take immediate, concrete steps to ease the plight of civilians", noting that "in the face of blatant inhumanity, the world has responded with disturbing paralysis". Nowhere have both inhumanity and paralysis been on more prominent display than in Syria, where indiscriminate attacks on civilians by Assad regime forces have become the defining feature of a conflict that has killed more than 300,000 people, displaced half the country, and generated an extremist terrorist threat that now wreaks havoc on the world.

The Security Council has a clear mandate to protect civilians in Syria, as laid out in Security Council resolutions 2118 (2013), 2139 (2014), 2165 (2014), 2191 (2014), 2209 (2015), 2254 (2015) and 2258 (2015). Yet consistently throughout the Syrian crisis, the Security Council has failed to uphold its mandate to protect civilians. In so doing, it has failed the people of Syria.

The Security Council's failures on Syria are manifold. The Security Council has failed to enforce Chapter VII measures in Syria despite repeated, proven violations of Security Council resolution 2118 (2013), which have cost civilian lives. The Security Council has failed to break the sieges across Syria, despite the horrific levels of starvation witnessed in Madaya, eastern Ghouta, and elsewhere. It has failed to take measures to stop the indiscriminate aerial bombardment of civilians, despite the more than 6,000 Syrian civilians that were killed by air strikes in 2015 alone. And it has failed to refer the situation in Syria to the International Criminal Court, despite the repeated calls by the Secretary-General and the people of Syria for it to do so.

The Security Council has failed Syrians. But so, too, have Member States. In the face of Security Council paralysis, Member States have too often refused to take the actions required to uphold international humanitarian law and save lives in Syria. Too frequently, they have refrained from providing life-saving assistance, despite a legal and moral imperative to do so. And they have categorically failed in their responsibility to protect civilians. Blaming Russian intransigence is not a response. It is not a policy. It doesn't help Syrians. Only action to protect lives would help Syrians and show Russia that its veto against humanity is powerless.

The failure to protect Syrian civilians has cost Syrian lives. It has allowed ISIS to grow and thrive. It has enabled the conflict to metastasize. And it has served as an impediment to efforts to attain a peaceful resolution to the Syrian crisis.

Make no mistake: there can be no peace in Syria without civilian protection. Geneva III cannot succeed if Syrians are being slaughtered with impunity and starved into submission. Syrians will not be bombed, starved or beaten to the

negotiating table. Such a negotiation would lack legitimacy. It would fail to win the support of Syrians on the ground. And it would send the wrong signal to Assad and future dictators everywhere: indicating that indiscriminate violence, atrocities and war crimes actually work.

If Member States are serious about reaching a political settlement in Syria, they must prioritize the protection of civilians. This requires that Member States:

(a) Provide clear guarantees that civilians will be protected if and when a ceasefire is reached and broken, including by enforcing measures such as a no-bombing zone to stop the indiscriminate air strikes across Syria;

(b) Act now to break the sieges across Syria by providing airdrops to Syria's 52 besieged communities — ensuring that the one million people trapped in areas under siege receive the food, water and medical care they so desperately deserve;

(c) Demand accountability for war crimes, including by taking steps to establish a special international tribunal for Syria, should Security Council paralysis prevent the referral of the situation in Syria to the International Criminal Court.

The people of Syria need protection. They need an end to the sieges and indiscriminate bombardment. And they need accountability. Through their resolve and their determination, Member States can save lives in Syria. Their failure to do so is inexplicable to Syrians — not least because doing so would serve not only the interests of Syrians, but of Member States too.

(*Signed*) Najib **Ghadbian**
Special Representative to the United Nations